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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 CRAIG WEIGHALL,
11 Plaintiff,

12 v.

13 LT. PEA, *et al.*

14 Defendants.

Case No. 06-5663 RBL/KLS

ORDER REGARDING LETTER
FILING

15 Before the Court is a letter from Plaintiff to the Clerk requesting advice regarding the
16 Court's Order denying Plaintiff's motion to compel. (Dkt. # 53). Plaintiff states that he has no way
17 to contact opposing counsel except in writing, that he needs additional discovery and a sixty day
18 extension of the discovery deadline. *Id.*

19 With regard to Plaintiff's concerns as to communications with defense counsel, Plaintiff is
20 advised that he is not relieved of his burden to confer with opposing counsel prior to bringing a
21 discovery motion despite any belief that any attempt to do so will be futile and even though his only
22 means of communication is limited to correspondence. A party may only apply to the court for an
23 order compelling discovery after he has "attempted to confer with the person or party failing to
24 make the discovery in an effort to secure the information or material without court intervention."
25 Fed. R. Civ. P. 37(a)(2)(B). "A good faith effort to confer with a party or person not making a
26 disclosure or discovery requires a face-to-face meeting or a telephonic conference." Local Rule CR
27 37(a)(2)(A). The Court anticipates that Plaintiff will write to defense counsel and identify the

1 information and documents in dispute. The Court also anticipates that defense counsel will respond
2 and if the matter cannot be resolved in writing that defense counsel will arrange to have a
3 telephonic conference with the Plaintiff in an attempt to amicably resolve any discovery disputes.
4 If the parties still are unable to amicably resolve their issues, Plaintiff may file a motion to compel,
5 and shall include a certification stating that their efforts were unsuccessful, and shall identify those
6 areas of disagreement that remain unresolved.

7 With regard to Plaintiff's request for a continuance of the discovery deadline, Plaintiff is
8 advised that if he seeks relief from this Court he must do so in the form of a motion, properly filed,
9 served on defense counsel, and noted for hearing according to the Federal Rules of Civil Procedure.
10 The Clerk will not respond to letter inquiries seeking legal advice, extensions of deadlines or other
11 relief. However, in this instance only, the Court shall consider Plaintiff's filing as a motion and
12 note it for hearing, so that Defendants may file their response to Plaintiff's request for an extension.

13 Accordingly, it is **ORDERED**:

- 14 (1) The Clerk shall note (Dkt. # 53) as a motion for extension of time with a noting date
15 of **September 12, 2008** and shall send notice to opposing counsel of this Order and
16 noting date, and
17 (2) The Clerk shall send copies of this Order to Plaintiff and counsel for Defendants.

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19 DATED this 19th day of August, 2008.
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23 Karen L. Strombom
24 United States Magistrate Judge
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